

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
INDIRA KAIRAM, M.D.,

Plaintiff,

-against-

PHYSICIANS ENDOSCOPY, LLC,

Defendant.

ANALISA TORRES, District Judge:

On January 31, 2019, Plaintiff filed this action against Defendant, Physicians Endoscopy, LLC. ECF No. 1. On May 8, 2019, Plaintiff filed a letter stating that she “has not served the complaint on the defendant” and requesting a dismissal of the action without prejudice under Federal Rule of Civil Procedure 4(m). ECF No. 10. Rule 4(m) states that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Because Defendant has not been served within 90 days after the complaint was filed—or, by May 1, 2019—and upon Plaintiff’s request, the Court finds that the action must be dismissed without prejudice.

Accordingly, it is hereby ORDERED that, upon request of Plaintiff, the action is DISMISSED without prejudice under Federal Rule of Civil Procedure 4(m). The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: May 9, 2019  
New York, New York

USDC SDNY  
DOCUMENT  
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DATE FILED: 5/9/2019

19 Civ. 969 (AT)

**ORDER**



ANALISA TORRES  
United States District Judge